

Meeting of 2005-6-28 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 28, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Pro Tem Randy Warren Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk

Mayor Pro Tem Randy Warren called the meeting to order at 6:10 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Kim Cotton, Another Chance Ministries, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four

Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven

ABSENT: Bill Shoemate, Ward One

MEETING CALLED TO ORDER WITH INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

Mayor Pro Tem Warren stated that Councilmember Shoemate was not in attendance because he is undergoing a procedure at Comanche County Memorial Hospital.

CHAMBER OF COMMERCE ANNUAL UPDATE ON HOTEL/MOTEL TAX FOR FISCAL YEAR 2005

Mike Brown, Chairman of the Board of the Lawton-Fort Sill Chamber of Commerce, stated they are very excited about the hotel/motel tax report. He introduced Dana Davis, President of the Chamber, who will give the report.

Dana Davis, President of the Chamber, stated there have been a lot of things going on in the past year. He has worked with the City and the community whose vision is to have a better Lawton Fort Sill community. He stated a lot of people in the community have great ideas and they need to get together and move forward. Mr. Davis introduced the Chamber staff that were in attendance. He stated there has been an annual increase in revenues from the hotel/motel tax over the last several years. The Chamber has been conducting surveys to determine if their marketing efforts have made a difference over the past year. They have distributed all 10,000 copies of their visitor and resource guide. The Chamber has supported many events held in Lawton through advertising and they continue to promote the Discovery Trail. They also have produced a video promoting the Discovery Trail. The 2004 National Amateur Softball Association Women's Class D softball tournament was held last September with 38 teams participating. Lawton received an award for hosting one of the highest rated championships in 2004. Participants from thirteen states were in Lawton for the Wichita Mountain Classics Steer and Heifer Show in December. The Chamber also had a very successful legislative and governmental affairs program. The chamber was able to sell the Haggard building to Fort Sill National Bank with the potential of employing 200 people. Early in the year they were successful in recruiting Sterling Coach. Their five year plan calls for employment of 200 or more employees. He stated there has been much economic interest since the BRAC announcement was made. He discussed the Lawton Area Strategy for Economic Revitalization project which has three initiatives: jet service, long-range economic development plan and downtown revitalization.

AUDIENCE PARTICIPATION: Anyone having an item of business to present to the City Council that does not appear on the agenda, please come forward at this time.

David Vanhoozer, 101 SE Lee Boulevard, thanked City Council for their support for the Boulevard of Lights

fundraiser. He stated there were 1,300 in attendance and raised between \$13,000 - \$14,000.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL MEETING OF MAY 10, 2005.

MOVED by Givens, SECOND by Haywood, to approve the Minutes of May 10, 2005. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Givens, Drewry. NAY: None. MOTION CARRIED.

CONSENT AGENDA : The following items are considered to be routine by the City Council and will be enacted with one motion. Should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately.

MOVED by Givens, SECOND by Patton, to approve the Consent Agenda items as recommended with the exception of items 5, 20 and 23. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claims which are over \$400.00: Charlene Sebo in the amount of \$10,980.10. Exhibits: Legal Opinion/Recommendation, **Resolution No. 05-108**.

2. Consider the following damage claims recommended for denial: Kayla Dawn Darnell (by and through her Mother, Luana Rivera) c/o G. Scott Ray in the amount of \$5,320.75, Daniel and Jana Allen in the amount of \$200.00, Roy and Pat Howell in the amount of \$79.00, and Southwestern Bell Telephone L.P. in the amount of \$697.44. Exhibits: Legal Opinions/Recommendations.

3. Consider ratifying the action of the City Attorney and City Manager in not making an appeal in the Workers Compensation case of Avery Scott in the Workers Compensation Court, Case No. 2004-10541-L. Exhibits: None

4. Consider renewing the professional services agreement with Robert M. Jernigan as a representative on telecommunication; James C. Ferguson of Walker, Ferguson and Ferguson for the defense of Workers Compensation claims; Tony G. Pucket of McAfee & Taft on labor-related issues; Gary M. Bush of Fagin, Brown, Bush, Tinney & Kiser for financial related representative services; and authorize the Mayor and City Clerk to execute the Agreements. Exhibits: Retainer Agreements for Professional & Legal Services on file in the City Clerks Office.

5. Consider amending the Consultant Agreement with Capitol Decisions, Inc. to provide consultation and lobbying services to the City of Lawton before the Congress of the United States and its various agencies and authorize the Mayor and the City Clerk to execute the Agreement. Exhibits: Current Consultant Agreement with attached Statement of Work to be performed, Email dated 3/14/05 to Rex Givens, Letter dated 6/16/05 from J. R. Reskovac, President, Capitol Decisions.

Shanklin stated he has never seen a report come across his desk from this organization.

Mitchell stated that they typically receive reports every six months. This is the same consultant that is used by the Lawton Chamber of Commerce.

Givens stated that Mr. Reskovac is notified anytime the city applies for grants. He does a lot of work for the city.

Jackson stated that the city needs every bit of influence in Washington they can get.

MOVED by Givens, SECOND by Jackson, to approve amending the Consultant Agreement with Capitol Decisions, Inc. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

6. Consider accepting an engagement letter for technical accounting and consulting services with the firm of Crawford & Associates, P.C., and provide guidance to staff as appropriate. Exhibits: Engagement Letter with Crawford & Associates, P.C.

7. Consider setting the minimum bid price for One (1) agriculture lease tract at Lake Ellsworth, Tract E-27, which will be sent to public auction on July 13, 2005. Exhibits: Location map.

8. Consider a resolution amending Appendix A, Schedule of Fees and Charges, Lawton City Code, 1995, as recommended by the Lawton Water Authority. Exhibits: **Resolution No. 05-109**.

9. Consider ratifying the actions of the Lawton Water Authority approving six (6) agriculture leases to the winning bidders listed below and authorize the Mayor and City Clerk to execute the leases.

Exhibits: The notice of public auction and the lease agreements between the Lawton Water Authority and six (6) winning bidders are on file in the City Clerks office.

10. Consider ratifying the action of the Lawton Water Authority to approve Amendment No. 4 to the Raw Water Purchase Agreement with Charley E. Snyder and Doris Berry-Snyder, and authorize the Mayor and City Clerk to execute the Amendment. Exhibits: Amendment No. 4 is on file in the City Clerk's Office.

11. Consider approving the annual Cooperative Agreement and an Agreement for Limited Funding between the City and Transit Trust to provide funds for the operation of a public transit system and authorize the Mayor and City Clerk to execute the same. Exhibits: Cooperative Agreement and Limited Funding Agreement.

12. Consider awarding a construction contract to T&G Construction, Inc. for the Highland Cemetery Road Overlay Phase III Project #2005-11. Exhibits: None

13. Consider accepting the Lawton Police Department Re-roofing Project #2004-16 as constructed by Metal Roof Contractors, Inc. and placing the Maintenance Bond into effect. Exhibits: None

14. Consider approving the Oklahoma Department of Transportation (ODOT) Change Order No. 3 for the NW 38th Street (Cache Road to Rogers Lane) Project #2006-16 and authorize funding from the NW 38th Street 2005 CIP Project. Exhibits: None.

15. Consider approving Change Order No. 1 for the NE Flower Mound Road (Gore Blvd to Rogers Lane) Water & Sewer Lines Relocation Project #2004-9 with Davenport Construction. Exhibits: A copy of the change order is on file in the Engineering Office.

16. Consider approving the record plat for Brentwood Addition, Part 3A, and accepting the improvements, maintenance bonds, warranty deed for park land, and easements outside the platted area. Exhibits: Plat Map. The Maintenance Bonds, Deed and Easements on file in City Clerk's Office.

17. Consider approving the construction plat for Blys Pointe Addition, Part 3, subject to conditions. Exhibits: Plat Map.

18. Consider approving the First Amendment to Employment Agreement of Traci L. Hushbeck as City Clerk, and authorize the Mayor and Deputy City Clerk to execute the document. Exhibits: First Amendment to Employment Agreement on file in the City Clerk's office.

19. Consider approving the sub-recipient agreement and grant continuation for a period of one year between The City of Lawton and The Emergency Medical Services Authority for administration of the \$50,000 Medical Reserve Corps Grant. Exhibits: Proposed EMSA Contract and grant continuation is on file in City Clerk's office.

20. Consider approving a renewal Agreement effective July 1, 2005 through June 30, 2006 between the State of Oklahoma Office of Juvenile Affairs and the City of Lawton for the continued operation and management of a Community Intervention Center in Lawton, and authorize execution of the renewal Agreement and an Affidavit of Assignment authorizing payment directly from the State to Marie Detty as the CIC subcontractor. Exhibits: Renewal Agreement and Affidavit of Assignment on file in City Clerk's Office.

Shanklin stated that he is concerned that the city is liable for these funds when dealing with Marie Detty.

Vincent stated this is a state and city funded program where the police are allowed to drop off juveniles for non detention type intervention. The city has budgeted \$75,000. He stated that amount would likely go down next year. The actual contract with Marie Detty will be on the July 12th meeting.

Shanklin questioned what they did for in-kind services.

Vincent stated they perform all the contract work for the State of Oklahoma, Marie Detty, the CIC and the police department. They get credit against the match.

MOVED by Shanklin, SECOND by Jackson, to approve the renewal agreement with the State of Oklahoma Office of Juvenile Affairs. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

21. Consider accepting a grant from the Oklahoma Department of Human Services for the Retired and Senior Volunteer Program (RSVP) for Fiscal Year 2005-2006 funding. Exhibits: Contract on file in City Clerk's Office.

22. Consider approving and authorizing execution of a contract with BCV Holdings, L.P., dba ACE Cash Express for collection of City Utility Bills. Exhibits: Proposal from BCV Holdings, L.P., Contract for Remote Utility Collection Services.

23. Consider authorizing the Fire Chief to submit a SAFER grant (Staffing for Adequate Fire and Emergency Response) application to the U.S. Department of Homeland Security, to assist with adding up to 8 additional firefighter positions to the Lawton Fire Department. Exhibits: Grant Overview.

Shanklin stated he was surprised to find this item on the consent agenda because this will increase the budget by \$200,000 in five years. He questioned if these employees will be doing something different.

Chief Bart Hadley, Fire Department, stated these would be new personnel, doing the same job. This will provide more adequate manpower.

Shanklin stated there are 25 people on the hiring list, and 16 of them do not live in Lawton. He is not providing jobs for those who live in Manatu, Walter, Apache, Cement, etc.

Hadley stated he does not disagree, but does not want to get the residency issue confused with their need for

additional manpower.

Shanklin stated he would not support this as long as we are hiring from Norman and Mustang.

Hadley stated he would like to improve the number of applicants they have applying for these positions. Years ago they had 400-500 every year, and they only end up with 25 on the list.

Shanklin stated that out of the hires from last year, there were 4 from Lawton and 6 from out of town.

Hadley stated that if they do receive this grant, only two positions will be filled out of this years budget and they would wait to fill the other 6 positions out of the 2006-2007 budget.

Givens stated if not for this grant, would the city entertain the notion of hiring an additional 8 firemen in the next five years.

Mitchell stated with everything that is happening, they may be looking at an additional fire station in the next five years.

Givens stated that if the city is projecting to increase the fire department by 8 personnel, this grant would be well worth the effort.

Mitchell stated that this action is simply to submit the application. Once the application is approved or modified it will return for Council consideration.

Shanklin questioned where the funds would come from to pay for these additional personnel.

Jackson stated he agrees with Mr. Shanklin concerning the residency problem of not only firefighters, but also police and general employees. He has heard from a number of citizens who are also concerned about this issue. He hopes to address this issue in the future. He does believe that there is a need for additional firefighters. He stated the first responders to a house fire consist of three people, one in the truck and two in the house.

Hadley stated that there are three firefighters per truck on any given day.

Jackson stated that he is concerned about the safety of the firefighters.

Shanklin questioned what percentage of those runs are actually fires.

Hadley stated that 65-75% of the calls are medical in nature.

Haywood questioned how many African Americans and females are on the fire department.

Hadley stated there are two African Americans and no females out of 117 shift personnel.

Haywood stated that there needs to be more minorities in the department.

Hadley stated if they look at residency rules he would also like to look at increasing recruitment in the minority areas.

MOVED by Shanklin to deny the submission of a SAFER grant.

Motion failed due to the lack of a second.

MOVED by Givens, SECOND by Drewry, to authorize the submission of a SAFER Act Grant application. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: Shanklin. MOTION CARRIED.

24. Consider awarding contract for Truck Mounted Aerial Hoist (CL05-052). Exhibits: Department recommendation and Abstract of Bids.

25. Consider awarding contract for Scraper Tires and Service (CL05-050). Exhibits: Department recommendation and Abstract of Bids.

26. Consider awarding contract for Walk Behind Concrete Saw (CL05-057). Exhibits: Department recommendation and Abstract of Bids.

27. Consider awarding contract for Distributor Truck Body (CL05-054). Exhibits: Department recommendation and Abstract of Bids.

28. Consider awarding contract for Compactor Wheels and Blade (CL05-051). Exhibits: Department recommendation and Abstract of Bids.

29. Consider awarding contract for Rock Hauling (CL05-055). Exhibits: Department recommendation and Abstract of Bids.

30. Consider approving the following contract extension: A) Liquid Oxygen (CL03-072) with Airgas Mid South Water Treatment Plant, B) E-911 Equipment and Support Services (CL94-025) with SBC Emergency Communications. Exhibits: None (Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Services Office). Page 103

31. Consider approving appointments to boards and commissions. Exhibits: Recommended list of appointees.

32. Consider approval of payroll for the periods of June 6 to 19, 2005. Exhibits: None.

BUSINESS ITEMS:

33. Hold public hearings and adopt resolutions declaring the structures at: 808 SW 5th Street, 1303 SW E Avenue, 302 SW Washington Avenue, 1212 SW 24th Place, 608 NW 14th Street, 1510 NW Dearborn Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Six Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

808 SW 5th Street: Melissa Laycock, Neighborhood Services Supervisor, presented photographs of the property. She stated the city has been maintaining the property since 2003. There have been no utilities since September 2003.

PUBLIC HEARING OPENED.

Charlie Moore stated the property does need to be demolished and he has talked with the Fire Department about burning the property but they refused. He wants to demolish the property himself. He just received notice today.

Vincent stated there are DEQ rules on burning of structures.

Mr. Moore stated there are power lines next to the house and this is the reason he was denied.

Vincent stated that if this property is declared dilapidated, Mr. Moore will be given 30 days to get a demolition permit which will require the property be torn down 30 days from the issuance of the permit.

Mr. Moore questioned what happens if he is late in getting it torn down.

Vincent stated he could be fined up to \$750 a day. Plus he will need to pull the sewer and water tap.

Mr. Moore questioned what would happen if he did nothing.

Vincent stated the city would take him to court.

MOVED by Haywood, SECOND by Givens, to approve **Resolution No. 05-110** and declare the structure at 808 SW 5th Street to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1303 SW E Avenue: Laycock presented photographs of the property. She has received numerous complaints from the neighborhood watch group on this property. There have been no utilities since 1984. She stated the property owner has said that they are trying to turn the property over to the Salvation Army.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 05-111** and declare the structure at 1303 SW E Avenue to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

302 SW Washington Avenue: Laycock presented photographs of the property. She stated the city has been maintaining the property by mowing since 2000. There have been no utilities since May 2001.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Givens, to approve **Resolution No. 05-112** and declare the structure at 302 SW Washington Avenue to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1212 SW 24th Place: Laycock presented photographs of the property. She stated the city has been maintaining the property by mowing since 2001. There have been no utilities since January 1999.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

Shanklin stated he has gotten a call from the owner who stated they have been working on the property.

MOVED by Shanklin, SECOND by Drewry, to approve **Resolution No. 05-113** and declare the structure at 1212 SW 24th Place to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

608 NW 14th Street: Laycock presented photographs of the property. She stated this is a voluntary request. The structure is in poor condition with the foundation cracking. It has seven layers of shingles on the roof.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Warren, to approve **Resolution No. 05-114** and declare the structure at 608 NW 14th Street to be dilapidated and a public nuisance. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Givens, Drewry. NAY: None. MOTION CARRIED.

1510 NW Dearborn Avenue: Laycock presented photographs of the property. She stated this is a voluntary request. The property is in poor condition.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 05-115** and declare the structure at 1510 NW Dearborn Avenue to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

Givens questioned how property owners know to ask for voluntary versus non-voluntary demolition.

Laycock stated the majority of the voluntary requests they receive are from property owners who know the structure is in poor condition and cannot be remodeled. Most plan on rebuilding on the property.

34. Consider approving Agreement for Limited Services with the Museum of the Great Plains. Exhibits: Agreement for Limited Services.

Kim Shahan, Parks and Recreation Director, stated this is the annual agreement with the Museum in reference to limited services. It also references the amount of funding that is provided to the museum.

MOVED by Shanklin, SECOND by Drewry, to approve the agreement for Limited Services with the Museum of the Great Plains Authority. AYE: Patton, Haywood, Warren, Drewry, Jackson, Shanklin. NAY: None. ABSTAIN: Givens. MOTION CARRIED.

35. Hold a Public Hearing and Consider Authorizing application and acceptance of the 2005 Department of Justice Edward Byrne Memorial Grant. Exhibits: Memorandum of Understanding is on file in City Clerk's Office.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Patton, to authorize acceptance of the 2005 Department of Justice Edward Byrne Memorial Grant. AYE: Haywood, Warren, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

Warren stated he has been asked to move up item #38 and the addendum item.

38. Consider adopting a resolution designating places and times within municipal jurisdiction to discharge fireworks on July 4, 2005. Exhibits: Resolution No. 05-____.

Shanhan stated this resolution adopts the fireworks at the designated locations at Lake Lawtonka and Lake Ellsworth on July 4th. Only one day is being recommended.

Patton stated he received a request from a citizen who has a boathouse at the Robinson s Landing area and would like to shoot fireworks off the back of the boathouse.

Drewry stated on Sunday, July 3rd, there will be a boat parade at Lake Lawtonka. She stated that more than likely there will be fireworks on that day. She would like to amend the resolution to include July 3rd.

Drewry questioned where they shoot the fireworks.

Shahan stated the public shooting areas are included in the resolution. He stated he personally had no objection to extending the dates to include July 3rd. It increases the maintenance issue. He would recommend that the City Council approve the locations as stated in the resolution, the specific boathouse as requested by Mr. Patton, and to include July 3rd and July 4th.

MOVED by Patton, SECOND by Drewry, to approve Resolution No. 05-116 an amended to include July 3rd and also to include Ryan Boathouse, Ralphs Resort at Lake Ellsworth, Slip RR10. AYE: Warren, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Consider adopting a resolution to rescind Resolution No. 02-179, which condemned property at 6602 NW Euclid Avenue. Exhibits: Excerpt of Minutes from September 24, 2002, Council meeting and Resolution No. 05-____.

Shanklin stated if this resolution is approved, this property can be sold and we would get rid of three blights.

Vincent stated that the Council should understand that the resolution approval is contingent upon paying all fees that are owed to the City, which currently amounts to \$222.69.

Givens asked how this property would take care of three blights.

Shanklin stated they will be selling three properties, but there is only one with a condemnation lien.

MOVED by Shanklin, SECOND by Patton, to approve Resolution No. 05-118 to rescind Resolution No. 02-179. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

36. Consider approving an ordinance amending Section 17-1-4-141, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 1995, relating to longevity pay for regular full time employees of the City while on active duty with the Armed Forces of the United States, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Jackson stated there are some police officers on active duty who have been unable to collect their longevity pay. The past policy is that they were not entitled to the pay until they actually came back to work for the City of Lawton and then they would receive the accrued back pay.

Mitchell stated they would be paid up front instead of when they return.

MOVED by Jackson, SECOND by Warren, to approve Ordinance No. 05-37, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-37

An ordinance pertaining to personnel policies and procedures amending Section 17-1-4-141, Division 17-1-4, Article 17-1, Chapter 17, Lawton City Code, 1995, relating to longevity pay for regular full time employees of the city while on active duty with the armed forces of the United States, providing for severability and declaring an emergency.

37. Consider approving an ordinance repealing Sections 2-3-7-336 through 2-3-7-339, Division 2-3-7, Article 2-3, Chapter 2, Lawton City Code, 1995, to allow for the deactivation of the Environmental Concerns Committee, providing for repealer and declaring an emergency. Exhibits: Ordinance No. 05-____.

MOVED by Shanklin, SECOND by Givens, to approve Ordinance No. 05-38, waive the reading of the ordinance and read

the title only and declare an emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-38

An ordinance pertaining to administration repealing sections 2-3-7-336 through 2-3-7-339, division 2-3-7, article 2-3, chapter 2, Lawton City Code, 1995, to allow for the deactivation of the environmental concerns committee, providing for repealer and declaring an emergency.

39. Consider repealing Council Policy 8-2, approving an ordinance creating Section 20-3-303, Article 20-3, Chapter 20, Lawton City Code, 1995, by setting design standards for median openings and turn bays, providing for severability, codification and declaring an effective date, and approving a resolution setting a review fee. Exhibits: Ordinance No. 05-___ and Resolution No. 05-___.

Vincent stated that several months ago there were some hearings concerning turn bays on Gore and Lee Boulevard. Council directed staff to come up with a turn bay policy that would administratively approve turn bays so they do not require Council approval. Staff has worked for six months to put this policy together to administratively approve turn bays under certain conditions.

Shanklin questioned how many times have they violated Council Policy. He can remember turning down a request on only one occasion.

Vincent stated this would speed up the process.

Givens questioned if this would address the area around Comanche Memorial Hospital at 28th Street. There is going to be an accident there someday.

Vincent state this policy will only affect Gore, Cache Road, Lee Boulevard and Sheridan

MOVED by Shanklin. SECOND by Givens, to repeal Council Policy 8-2, approve Ordinance No. 05-39, waive the reading of the ordinance and read the title only and adopt Resolution No. 05-117 setting a review fee. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-39

An ordinance pertaining to streets and sidewalks creating Section 20-3-303, Article 20-3, Chapter 20, Lawton City Code, 1995, by setting design standards for median openings and turn bays, providing for severability, codification and declaring an effective date.

40. Consider approving an ordinance pertaining to buildings, construction and housing, amending Sections 6-1-1-109 through 6-1-1-118, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code, 1995; providing for codification, severability, and declaring an emergency. Exhibits: Ordinance No. 05-___.

Vincent stated on May 10th the City Council approved Ordinance 2005-22 and after reviewing the ordinance, staff found that there were sections that should not have been repealed.

MOVED by Shanklin. SECOND by Haywood, to approve Ordinance No. 05-40, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-40

An ordinance pertaining to buildings, construction and housing amending Sections 6-1-1-109 through 6-1-1-118, Division 6-1-1, Article 6-1, Chapter 6, Lawton City Code, 1995, dealing with the issues of variance from plans considered a violation, basis of approval or disapproval of plans, fee for review of certain plans, estimate of cost of building, permit fees, permit for building on floodplain area, misleading statements, judicial relief, governmental agencies exempt from fees and demolition of buildings and structures, permits, providing for severability and declaring an emergency.

41. Receive a report from the Neighborhood Services Division of the Community Services Department on the processing and handling of complaints of violations submitted to the division for action and provide direction as necessary. Exhibits: None

Shanklin stated that Ms. Laycock has streamlined her division and he felt the Council needed an update on the complaint and follow up process for mowing and demolition. He also wanted to discuss the interaction process between the departments. He stated the different divisions do not know what is going on after 5:00 p.m.

Laycock stated that they have just implemented flex hours. An inspector will be working 11:00 a.m. to 7:00 p.m. one day a week to start, and once there has been a complete pass through all the inspectors, one inspector will be working those special hours a week at a time.

Shanklin questioned when the division decided to do this.

Laycock stated she just got the go ahead last week and they are implementing the new hours this week. When staff sends the letter out for violation of tall weeds and grass, they immediately do an administrative order. That order is good for six months so that if the issue arises again they can write a ticket, but it is much easier to abate themselves. Usually the violators are not in Lawton and they do not have the opportunity to get the grass mowed. They may write a ticket but it depends on the situation. Once the administrative order is written they do not have to notify the owner again for that six-month period. She stated that her division is working hand in hand with the license and permit division on the dilapidated properties. For those properties that are approved to be dilapidated, the day after the Council meeting she will send out a certified letter listing what the property owner must do. After thirty days the City Attorney's office will request a lien be placed on the property for dilapidation. She stated the Police Department is always there to assist.

Givens stated that he feels that Laycock is doing a great job.

Haywood stated that he felt that staff is not getting to his area in a timely manner and he is very disappointed. He felt she is doing a fine job but needs more help. He has grass over five feet in certain areas. He turned some houses in to staff in April and they are still not on the list. People have been bitten by spiders and killing snakes in his areas. He feels that his area is being neglected and he would like to see something done about it.

Laycock stated she has four inspectors to cover the entire city of Lawton. Two inspectors are covering zone one. She is bringing a new inspector on board to cover East Lawton. She stated that she has seventeen complaints in Mr. Haywood's ward that she is working herself.

Warren asked Mr. Haywood to address specific properties with Ms. Laycock in her office.

Jackson stated that the Council received a memo regarding the number of the claims that are coming in and they are up to 963 high grass and weed complaints. That is a lot of claims and he is very disappointed in those residents who do not take care of their properties. He stated the mowing contractor is so far behind and he suggested that staff bring another contractor on to get caught up.

Laycock stated the contractor just started the contract on April 20th and has just brought on another crew. Out of the 211 work orders that are out there, as of yesterday he has completed 106. She stated there has not been so much rain as in the last few months, so they will eventually get caught up and will start to work on utility easements.

Jackson stated that there needs to be something done about 704 NE 46th Street.

Laycock stated there is a work order on that property.

Shanklin questioned if Laycock was happy with the fines paid on their report.

Laycock stated that there has been an increase of \$5,000 since the last report. Tickets have increased. Staff met with the judge and prosecutor and they have been supportive.

Warren stated that there have been some problems with citizens being able to get bonds. The banks do not seem to know what to do. He would like to see staff meet with representatives from the major banks in town and give them some direction.

Haywood stated that once the inspectors find a property with tall weeds and grass, after they write a ticket then what happens.

Laycock stated if it is a brand new case, staff goes to the County Courthouse and pulls the legals so they know they have the correct legal address and property owner. At that time they send a notice of violation and an administrative order which is good for six months. The property owner has ten days from when they receive the letter to abate the property, if nothing happens they fill out a work order.

Jackson stated that after having the opportunity of working with the system of high weeds and grass, dilapidated properties and the job that the Neighborhood Services perform, he commended Ms. Laycock and her staff.

Vincent stated that he was asked about the timing on D&D's following the approval of the resolution. Generally they go to District Court which may take up to nine months.

Shanklin stated he believes there are sixteen cases before the judges.

Vincent stated there are twenty-three with eleven more to file.

Mitchell stated that during certain times of the year the inspectors do get overrun and they do a great job of keeping track of everything. He stated that Ms. Laycock has really straightened out the processing in Neighborhood Services, but she has given her notice and will be leaving on July 15th.

42. Consider waiving Council Policy 1-6 and if waived, reconsider the tabling of the consideration of whether or not 915 SW C Avenue is dilapidated as defined and take appropriate action. Exhibits: Proposed Resolution No. 05-____.

Shanklin stated he brought this back up because they cannot pick and choose what is dilapidated. The property has not had water for ten years and has not been rented for years. He is asking the City Council to reconsider this resolution.

Givens stated that there were two resolutions passed the same night. He questioned why Mr. Shanklin did not bring back the other resolution for reconsideration.

Jackson stated that Mr. Reese, the owner of the other property has a crew working on the property.

MOVED by Shanklin, SECOND by Patton, to waive Council Policy 1-6 to reconsider the tabling of the consideration of whether or not 915 SW C Avenue is dilapidated. AYE: Givens, Jackson, Shanklin, Patton, Haywood, Warren. NAY: Drewry. MOTION CARRIED.

MOVED by Shanklin, SECOND by Jackson, to direct staff to make all notices necessary and place 915 SW C Avenue on the agenda for Council consideration as soon as possible. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Givens. NAY: Drewry. MOTION CARRIED.

Warren questioned how Mr. Reese could be working with a permit if his property was tabled.

Vincent stated that the Assistant City Manager could direct staff to issue a permit.

Warren requested that staff check to see if Mr. Reese is working with a permit.

Warren stated that item #44 will be stricken from the agenda.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Haywood stated that he lost his brother Paul on June 26th. He will be greatly missed.

Patton thanked Jerry Ihler for getting a crosswalk painted in his ward. He requested some information from the City Attorney regarding restricting children from riding in the back of pickup trucks.

Shanklin requested an item be placed on the next meeting regarding exempting Lawton Public Schools from impact fees. He questioned why the city would work on Bishop Road. That issue should have been prioritized. He stated there are county funds that should pay for those projects.

Jackson stated he also questioned why we were spending funds on Bishop Road.

Jerry Ihler, Public Works Director, stated this was brought before Council because they received complaints that the City annexed 22 miles of gravel road in that area and it was discussed to oil and chip some of that area that were adjacent to developments. It was brought before Council on two separate agenda items that approved the funding for the first year.

Shanklin stated there is a new neighborhood association at Cleveland School. He stated anytime that citizens want to help, we should furnish them with a sign that gives them a little more pride in attempting to clean up the area. He also requested an item be placed on the next meeting regarding the funding of neighborhood watch signs.

Vincent stated the biggest problem is getting the signs installed. Currently the organization has to install or pay the Streets Division to install. Most are not properly installed. He suggested staff also include that the City would also install the sign.

Jackson stated in November the State Legislature would require all newly elected official to attend an education seminar. Currently the Oklahoma Municipal League is hosting these seminars. He attended one a week ago and strongly encouraged the rest of the City Council attend.

Givens reported he attended the Community Needs Assessment seminar and the dilapidated buildings were an issue which was discussed. He appreciated the Council's concern on this issue and their effort to clean up Lawton. He requested that staff look into a pothole at Railroad & Bell.

Mitchell reported that the dedication for the CETES building at Cameron will be held Thursday, June 30th at 10:30 a.m.

Warren stated he had an opportunity to attend the Boulevard of Lights fundraiser the past weekend and he thanked the Parks and Recreation Department for a job well done. It just shows what can be done with the city facilities. He stated there are segments in the community that do not realize all the different facilities that are available.

The Mayor Pro Tem and Council convened in executive session at 8:09 p.m. and reconvened in regular, open session at 8:25 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

43. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending applications of Meers Saddle Mountain Ranch before the Oklahoma Water Resources Board, Stream Water No. 2003-41 and Ground Water Nos. 2003-598, 2003-599 and 2004-572, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of Item 43 shown above. He stated a proposed settlement with the applicant was discussed with the City Council.

MOVED by Patton, SECOND by Warren, to approve the proposed settlement agreement concerning the pending applications before the Oklahoma Water Resources Board No. 2003-41, Nos. 2003-598, 2003-599 and 2004-572 contingent upon approval of the Board and the inclusion of the terms of the agreement in the final board order/permit and authorize the Mayor and City Court to execute it. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

44. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss a pending claim by Jessie T. Robinson. Exhibits: None

This item was stricken.

There being no further business to consider, the meeting adjourned at 8:27 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT